

001729

REQUEST FOR COUNCIL ACTION  
CITY OF SAN DIEGO1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE)144  
11/18TO:  
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):  
Council Administration3. DATE:  
8/15/084. SUBJECT:  
CONFLICT OF INTEREST CODE CITY COUNCIL, COUNCIL ADMINISTRATION & IBA

5. PRIMARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Lori Witzel, 66442, MS. 10A

6. SECONDARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Betsy Kinsley, 66611, MS. 10A

7. CHECK BOX IF REPORT TO  
COUNCIL IS ATTACHED ☒

## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Elyse Kinsley</i>	8/18/08	8	DEPUTY CHIEF		
2				9	COO		
3				10	CITY ATTORNEY	<i>Michael O'Neil</i>	10/22/08
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	<i>Elyse Kinsley</i>	8/18/08
5					DOCKET COORD: _____	COUNCIL LIAISON: _____	
6					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> -CONSENT
7					<input type="checkbox"/> REFER TO: _____	COUNCIL DATE: 11/15/08	

11. PREPARATION OF: ☒ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

Adopting the revised Conflict of Interest Code for CITY COUNCIL, COUNCIL ADMINISTRATION &amp; INDEPENDENT BUDGET ANALYST.

11A. STAFF RECOMMENDATIONS:

Adopt the revised Conflict of Interest Code and appendices as submitted.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): ALL

COMMUNITY AREA(S): CITYWIDE

ENVIRONMENTAL IMPACT: N/A

HOUSING IMPACT: N/A

OTHER ISSUES: NONE

001731

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED:

ATTENTION: City Council

ORIGINATING DEPARTMENT: Council Administration

SUBJECT: BIENNIAL REVIEW: CONFLICT OF INTEREST CODES

COUNCIL DISTRICT(S): N/A

CONTACT/PHONE NUMBER: Lori Witzel, 236-6442

REQUESTED ACTION: Adopt the Resolution

STAFF RECOMMENDATION: Approve the revised Conflict of Interest Code and appendices

EXECUTIVE SUMMARY:

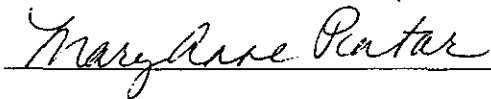
This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R- 303718 adopted on May 20, 2008. The City Council, Council Administration and Independent Budget Analyst code has been revised to include the Deputy Director, Independent Budget Analyst position which had not been previously designated; update the duties of the designated position; and update the required filing categories for the designated position as it relates to the disclosure of income and gifts from sources located in or doing business with the City.

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



for Council President Scott Peters

001733

## 2008 Local Agency Biennial Notice

Name of Agency: San Diego City Council, Council Administration and Office of the IBA  
Mailing Address: 202 C Street, M.S. 10A, San Diego CA 92101  
Contact Person: Lori Witzel  
Phone Number: 619-236-6442 Fax Number: 619-236-6529  
E-mail: Lwitzel@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

X The code needs to be amended and the following amendments are necessary:

*(Check all that apply)*

X Include new positions (including consultants) which must be designated (App. A)

     Delete positions that manage public investments from the list of designated positions.

     Revise disclosure categories (App. B)

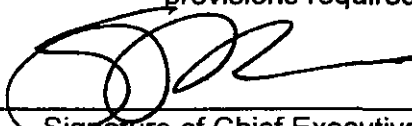
     Revise the titles of existing positions (App. A)

     Delete the titles of positions that have been abolished (App. A)

     Other

☐ Summary of documented dispute and resolution

     No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer  
Council President Scott Peters

10/20/08

Date

You must complete this report regardless of how recently your code was approved or amended.

**Please return this report by August 22, 2008, to:**

Denise Jenkins, Elections Analyst  
Office of the City Clerk  
202 C Street, MS 2A, San Diego, CA 92101

## **CERTIFICATION**

The foregoing amendment to the Conflict of Interest Code was prepared by the City of

San Diego's City Council and Office of the Independent Budget Analyst  
(name of department/agency/board)

after a fair opportunity was offered to the members of the department/agency/board to present their views.



(signature of executive officer)  
Council President Scott Peters

08/08/08

(date)

**CONFLICT OF INTEREST CODE FOR THE CITY COUNCIL DEPARTMENTS,  
COUNCIL ADMINISTRATION, AND OFFICE OF INDEPENDENT BUDGET ANALYST**

**APPENDIX A**

<u>Position</u>	<u>Duties</u>	<u>Category</u>
Executive Assistant	Acts as principal assistant to the Councilmember with administrative responsibilities for the operation of the Council office. Performs research and analysis of issues and makes recommendations thereon. Provides staff support to the Councilmember as required.	1
Council Representatives I and II	Responsible for constituent services. Represents the Councilmember before community groups and other organizations. Performs research and analysis of issues and makes recommendations thereon.	1
Independent Budget Analyst	Acts as principal legislative and budgetary resource to the City Council as a whole by providing fiscal and legislative analyses, making recommendations regarding proposals brought by the Mayor and executive departments, assisting Council in drafting legislation, making presentations to Council and providing review and analyses on all budgeting proposals and the City's annual budget process.	1
<u>Deputy Director, Independent Budget Analyst</u>	<u>Reporting to the Independent Budget Analyst, oversees staff and operations of the Office of the IBA. Performs research and analysis of issues and makes recommendations thereon.</u>	1
Budget/Legislative Analyst I & II	Reporting to the Independent Budget Analyst, performs research and analysis of issues and makes recommendations consistent with the duties of the Independent Budget Analyst.	1
Consultant (Category to be determined on a case-by-case basis)	<p>Consultant shall be included in the list of designated employees <u>and shall disclose pursuant to the broadest disclosure category</u> in the code subject to the following limitation:</p> <p>The Councilmember may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section.</p>	

Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Councilmember's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

The following classifications are not subject to this Conflict of Interest Code and shall not be required to file economic disclosure forms: .

1. Uncompensated Interns
2. Hourly employees (interns) who do not fall into one of the categories listed above and who are not permanent employees

**CONFLICT OF INTEREST CODE FOR THE CITY COUNCIL DEPARTMENTS,  
COUNCIL ADMINISTRATION, AND OFFICE OF INDEPENDENT BUDGET ANALYST**

**001739**

**APPENDIX B**

As used in Appendix B, "the City" means the City of San Diego.

Category 1: Investments and business positions in any business entity located in or doing business with the City.

Income and gifts from sources located in or doing business with the City.

Interests in real property located in the City, including property located within a two-mile radius of any property owned or used by the City.

Category 2: Consultants shall be included in the list of designated employees and shall (As required) disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Councilmember may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Councilmember's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**CONFLICT OF INTEREST CODE FOR THE CITY COUNCIL DEPARTMENTS,  
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001742

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**CONFLICT OF INTEREST CODE FOR THE CITY COUNCIL DEPARTMENTS,  
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**001743**

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001745

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION ADOPTING A REVISED CONFLICT OF  
INTEREST CODE FOR THE SAN DIEGO CITY COUNCIL,  
COUNCIL ADMINISTRATION AND OFFICE OF THE  
INDEPENDENT BUDGET ANALYST

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

001746

WHEREAS, by Resolution No. R-302195, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the City Council, Council Administration and the Office of the Independent Budget Analyst; and

WHEREAS, the City Council, Council Administration and the Office of the Independent Budget Analyst now seek to revise their conflict of interest code, to add a Deputy Director position in the Office of the Independent Budget Analyst that had not previously been designated, and to designate its disclosure category; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the City Council, Council Administration and the Office of the Independent Budget Analyst is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the City Council, Council Administration and the Office of the Independent Budget Analyst as adopted be placed on file in the Office of the City Clerk as Document No. RR-\_\_\_\_\_.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the City Council, Council Administration and the Office of

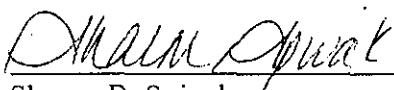
001747

the Independent Budget Analyst shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the City Council, Council Administration and the Office of the Independent Budget Analyst becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
10/20/08  
Or.Dept:City Council  
R-2009-208